



MOTION PICTURE ASSOCIATION
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April 14, 2000

Robert Kasunic
Senior Attorney
Office of the General Counsel
U.S. Copyright Office
James Madison Memorial Building
Washington, DC 20024

By Fax (202) 707 8366 FRITZ E. ATTAWAY
SR. VP GOVERNMENT RELATIONS
WASHINGTON GENERAL COUNSEL

Re: Docket No. RM 99-7, Request to Testify
in the Hearings regarding the Rulemaking
on Exemptions from Prohibition on
Circumvention of Technological Measures
that Control Access to Copyrighted Works

Dear Mr. Kasunic:

This letter represents my request to testify on behalf of the Motion Picture Association of America at the May 19 hearings in Palo Alto. My one-page summary of intended testimony follows.

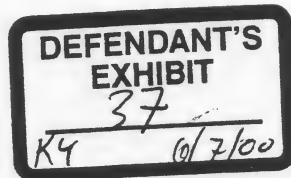
Name of person testifying: Fritz E. Attaway
Senior Vice President, Government Affairs, and
Washington General Counsel

Organization represented: Motion Picture Association of America

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Requested location and date
of hearing to testify: Friday, May 19, 2000
Palo Alto, California

Sincerely,



M-6429



**SUMMARY of
INTENDED TESTIMONY
of
FRITZ E. ATTAWAY
Senior Vice President, Government Affairs, and Washington General Counsel
Motion Picture Association of America**

**In Docket No. RM 99-7
Submitted to the U.S. Copyright Office on April 14, 2000**

The Motion Picture Association of America (MPAA) respectfully submits that there should be no delay in the October 28, 2000, effective date of the prohibition against acts of circumvention of access control measures with respect to any "particular class" of copyrighted works (17 U.S.C. §1201(a)(1)(A)).

There has been absolutely no showing in this proceeding that the non-infringing uses of certain classes of works – in particular, the entire universe of motion pictures delivered by the MPAA's members on DVDs – are, or are likely to be, substantially adversely affected by the prohibition in §1201(a) against circumventing "access control" measures put in place by copyright owners. Indeed, exempting the entire body of motion picture works from protection based on the medium through which they are delivered would be contrary to the whole purpose of circumvention protection and to the congressional mandate that such protection is necessary to bring the U.S. copyright law into the digital age.

Virtually all of the public comments regarding the Content Scramble System (CSS) access control mechanism used in connection with commercial DVDs, and resulting litigation, are misdirected in this proceeding. Many comments arise from a misunderstanding of the issues presented in a recent, and still pending, federal lawsuit, *Universal City Studios v. Relmerdes, et al.* That case was brought pursuant to §1201(a)(2), the prohibition against "trafficking" in circumvention devices by third parties, and a section which is not the subject of this rulemaking.

MPAA believes that the use of technological measures in general, and of access control technologies in particular, has already increased the availability of a wide range of copyrighted materials to members of the public. Bringing into effect the legal prohibition on the unauthorized circumvention of these measures will reinforce and accelerate this trend.